

Exhibit 8: Excerpts of Deposition of David Justice

FOSHEE & TURNER COURT REPORTERS

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix
of the Estate of RONALD TYRONE ROBY,
deceased,
Plaintiff,

CIVIL ACTION FILE

vs.

NO. 2:05CV194-T

BENTON EXPRESS, INC., et al.,
Defendants.

VIDEOTAPED DEPOSITION OF
DAVID LELAND JUSTICE

September 26, 2005
9:31 am.

1180 West Peachtree Street
Suite 900
Atlanta, Georgia

Lisa Fischer, CCR-B-1277, RPR, CRR

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APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

LABARRON N. BOONE, Esq.
Beasley, Allen, Crow, Methvin,
Portis & Miles, P.C.
218 Commerce Street
Montgomery, Alabama 36104
334-269-2343

On behalf of Defendant Benton Express, Inc.:

GREGORY A. BROCKWELL, Esq.
Carr Allison
100 Vestavia Parkway
Birmingham, Alabama 35216
205-822-2006

The Videographer: Mike Brown

Also Present:

Boyd Hammonds

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(Disclosure pursuant to OCGA 9-11-28
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receive the original and one copy based on our
standard and customary per-page charges.
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furnished at our customary page rate.
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added to either party where applicable.)

(The witness was sworn.)

MR. BROCKWELL: LaBarron, can I
make a statement on the record?

MR. BOONE: That would be fine.

MR. BROCKWELL: Last week
plaintiff's counsel had the
opportunity to depose our corporate
representative as a general
corporate representative.
Mr. Justice and other witnesses that
are here today are testifying as
fact witnesses and not as corporate
representatives.

And so I would say to the extent
that they give any testimony beyond
their role in the events of this

1 (Pages 1 to 4)

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1 A. That he did get to Atlanta on time,
2 and he swapped his load out to go back to
3 Pensacola.

4 Q. Anything else you recall Glenn Clark
5 telling you?

6 A. No, sir, not at the time. I mean,
7 there was nothing else at that time.

8 Q. And when you talked to Bill Jones,
9 what do you recall his -- what did he tell you?

10 A. He asked me to check fuel records to
11 see if anyone had purchased fuel with the card
12 that was issued for that tractor.

13 Q. And did you do that?

14 A. Yes.

15 Q. And had anybody purchased fuel?

16 A. No, sir.

17 Q. Can an operator of a Benton Express
18 truck get fuel at the terminal?

19 A. No.

20 Q. And in the Atlanta area, is there any
21 specific places they would have to go to get
22 fuel?

23 A. Anyplace that accepted fuel --
24 FleetCor Technologies' fuel cards.

25 Q. Is there any place that truck drivers

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1 normally use? For example, a Benton Express
2 trucker who's going back to Pensacola, is there
3 one in that general area of the terminal where
4 truckers usually use?

5 A. Most any of your truck stops accept
6 that type of payment system.

7 Q. Is there a bunch of them in that
8 general area?

9 A. You got me kind of geographically
10 challenged on that one. I don't know the area
11 that well.

12 Q. What? The terminal, Benton Express
13 terminal?

14 A. I'm talking about once he left the
15 terminal back to where he was supposedly going.

16 Q. Any of them -- I mean, that's why I
17 was asking. Is there any truck stops generally
18 in the area of the terminal, meaning within a
19 5-mile radius?

20 A. Yes, sir.

21 Q. And do you know what any habits --
22 what's the typical habit of a trucker? If
23 they're coming from Pensacola, and assuming
24 they got a full tank, would that get them all
25 the way to Atlanta without stopping?

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1 A. Yes.

2 Q. Would it get them all the way back to
3 Pensacola?

4 A. I would say so, yes.

5 Q. So usually one full tank can get a
6 driver from Pensacola to Atlanta and back
7 without another fill-up?

8 A. Yes, sir, if he left on a full tank.

9 Q. Right. If you left on a full tank, it
10 should get you back?

11 A. Yes.

12 Q. Does the terminals have -- when he
13 goes and picks up a truck, do you know if it's
14 the policies and procedures of Benton to have a
15 filled-up truck?

16 A. No, sir.

17 Q. So he may get into a truck and it may
18 be on "E" -- is that possible -- near "E"?

19 A. It's very possible, yes, sir.

20 Q. Would he be the only one operating his
21 truck, the truck he was in?

22 A. No, sir.

23 Q. So he would get the truck or the
24 tractor and whatever, and there could be no
25 rhyme or reason for how much fuel may be in it?

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1 A. Correct.

2 Q. And when you checked the fuel records,
3 how did you do that?

4 A. Through my PC, through my personal
5 computer.

6 Q. And is that something you got on your
7 person?

8 A. No, sir.

9 Q. In your wife's home, in your
10 girlfriend's house?

11 A. I had a personal computer in that
12 home.

13 Q. And you could have just logged in and
14 checked the fuel records?

15 A. Yes, sir.

16 Q. Would his card have a certain ID
17 number where you can figure out if he's used
18 it?

19 A. Yes, sir.

20 Q. Do you remember what his ID number was
21 or what the number for it was?

22 A. It would have been his truck number,
23 but at the time I don't remember what he was
24 driving.

25 Q. And after you checked that, did you do

15 (Pages 57 to 60)